

NEOMTRX.4C1D3C1

CUSTOMER NO.: 20995

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Applicant : Morton, et al.
 Appl. No. : 10/811,762
 Filed : March 29, 2004
 For : METHOD OF NONINVASIVELY
 OBTAINING INTRADUCTAL
 FLUID
 Examiner : Davis, R.
 Group Art Unit : 1645

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all
 marked attachments are being transmitted via
 facsimile to the Examiner Ruth Davis of the
 USPTO at Fax No. (571) 273-0915 on the date
 shown below:

January 5, 2005

(Date)

Rose M. Thiessen, Reg. No. 40,202

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on
 behalf of the Assignee, NeoMatrix, LLC ("Assignee"), by virtue of a Power of Attorney executed
 on January 3, 2005, a copy of which is attached.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of a 100%
 percent interest in the above-identified application and co-owned, co-pending, Application No.
 10/072,539, all by virtue of an assignment, a copy of which is attached and will be forwarded to the
 Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best
 of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Disclaimer by Assignee

Assignee hereby disclaims, except as provided below, the terminal part of any patent
 granted on the above-referenced application that would extend beyond the expiration date of the full

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statutory term of any patent issuing from U.S. Patent Application No. 10/072,539, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the instant application and any patent issuing from U.S. Patent Application No. 10/072,539 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of any patent issuing from U.S. Patent Application No. 10/072,539, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is accompanied by the \$65 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/5/05

By:



Rose M. Thiessen
Registration No. 40,202
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